

REMARKS

This is in response to the non-final Official Action currently outstanding with respect to the above-identified application.

Claims 1-20 are pending in the above-identified application. Claims 1-9, 11, and 13-20 previously were withdrawn from further consideration in the above-identified application as being directed to non-elected subject matter. By the foregoing Amendment, pending Claims 10 and 12 are amended. No additional claims are added, cancelled or withdrawn. Accordingly, upon the entry of the foregoing Amendment, Claims 10 and 12 as hereinabove amended will constitute the claims currently under active prosecution in the above-identified application.

The claims of the above-identified application as they will stand upon the entry of the foregoing Amendment, including appropriate indications of the changes being made and appropriate status identifiers are reproduced above in compliance with the Rules.

More particularly, in the currently outstanding non-final Official Action the Examiner has:

- 1) Not re-acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and not reconfirmed the receipt by the United States Patent and Trademark Office of the required copies of the priority documents. - **These matters were attended to previously during this prosecution.**
- 2) Withdrawn the previous objection to the specification in view of Applicants' previous response.
- 3) Not commented upon the formal drawings pending in the above-identified application. - **Acceptance of the pending formal drawings in response to this submission is respectfully requested.**

4) Withdrawn the previous rejection of Claims 10 and 12 in view of the persuasive nature of Applicants' last response.

5) Rejected Claims 10 and 12 under 35 USC 103(a) as being unpatentable over Hotomi (US Patent No. 5,477,249) in view of Nou (US Published Patent Application No. 2003/0025744) and/or Mantelli (US Patent No. 6,264,298) and/or Yamada (US Published Patent Application No. 2003/0085940).

Further comment concerning items 1-4 above is not deemed to be required in these Remarks.

On the other hand, with respect to item 5 above, Applicants note that the Examiner now insists that the Hotomi reference teaches all of the elements of Claim 10 except controlling a speed of the relative movement so that adjacent ones of discharge pattern are partly overlaid with each other. Furthermore, the latter feature now is alleged by the Examiner to be disclosed by Nou and/or the Mantelli and/or the Yamada references.

With respect to Claim 12, the Examiner insists that the Oguchi reference (meaning the Hotomi reference?) as modified by Nou and/or Mantelli and/or Yamada teaches wherein the line-drawing means controls the voltage or the speed of relative movement so that the adjacent ones of the discharge pattern are overlaid with each other by 0.5 to 1.5 times the vertical diameter of each pattern, the vertical diameter being a diameter orthogonal to a direction of relative movement.

By the foregoing Amendment, Applicants have amended Claim 10 pursuant to the disclosure at page 48 of the specification of the above-identified application as originally filed so as to specifically indicate that "...the fluid discharge hole, provided in the nozzle, has a diameter ranging from 0.01 μm to 15 μm ".

In addition, Claim 12 has been amended so as to depend from Claim 10 alone and so as to modify the language of the claim so as to read in relevant part as follows: "...controls the ~~voltage or~~ the speed of the relevant movement ..". The latter amendments to Claim 12 are respectfully submitted conform the language of Claim 12 to its new sole dependency relationship upon Claim 10 in view of the fact that Claim 11 was previously withdrawn from further consideration in this application as mentioned above.

In the above regards, Applicants respectfully note that the nozzle diameter disclosed by the *Hotomi* reference is "20 to 200 μm ". The nozzle of the present invention, on the other hand, is "0.01 to 15 μm ". Accordingly, Applicants respectfully submit that as herein amended the claims of the above-identified application are clearly and totally distinct from the *Hotomi* reference.

Furthermore, Applicants respectfully note that the presently claimed nozzle diameter of "0.01 to 15 μm " makes it possible for the present invention to discharge a fluid by utilizing the effect of a local electric field. Applicants, therefore, respectfully submit that the discharge mechanism of the present invention utilizing the effect of a local electric field is completely different from the discharge mechanism disclosed by the *Hotomi* reference.

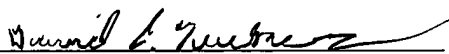
Accordingly, Applicants respectfully submit that the present invention as now claimed would in no way be obvious to a person of ordinary skill in the art at the time that the present invention was made based upon any combination of the *Hotomi* reference with the *Nou* reference, the *Mantelli* reference, and/or the *Yamada* reference.

Consequently, it is believed that the claims of the above-identified application now are in condition for immediate allowance, which action is respectfully and earnestly solicited.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this Amendment. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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